

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

ERIC WALDENMAIER, on behalf of
Himself and other similarly situated

Plaintiff,

v.

PAYMERANG, LLC,

Defendant.

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Case Number: 3:23-cv-466

MOTION TO DISMISS

Defendant Paymerang, LLC (“Paymerang”), by counsel, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, hereby moves to dismiss the Complaint filed by Plaintiff Eric Waldenmaier for failure to state a claim for which relief can be granted. The grounds for Paymerang’s motion are set forth more fully in the supporting Memorandum of Points and Authorities, and the pleadings and papers, filed contemporaneously herein.

WHEREFORE, Defendant respectfully requests that this Court grants Defendant’s Motion to Dismiss and that the case be dismissed with prejudice; and if the case is not dismissed in its entirety, then dismissal of the claim of willful violation, limiting Plaintiff to a two-year statute of limitations, and any other such relief this Court finds just and proper.

Dated: 08/15/2023

Respectfully submitted,

PAYMERANG, LLC

/s/ Eric P. Burns

Eric P. Burns, VSB# 76554

Hannah F. Supernor, VSB# 95020
NOVA Business Law Group, LLP
4151 Chain Bridge Road
Fairfax, Virginia 22030
(703) 766-8081
(703) 766-8085 (Facsimile)
eburns@novablg.com
hsupernor@novablg.com
Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of August 2023, I caused a true and correct copy of the foregoing to be electronically filed with the Clerk of Court for the Eastern District of Virginia, Richmond Division, using the Court's CM/ECF system, which thereby caused the above to be electronically served on all registered users of the Court's CM/ECF system who have filed notices of appearances in this matter.

/s/ Eric P. Burns
Eric P. Burns